

REMARKS

Reconsideration and allowance of the subject patent application are respectfully requested.

The specification has been amended to correct minor informalities. Entry of these amendments to the specification is respectfully requested.

As requested, the title of the application has been changed along the lines kindly suggested by the Examiner.

“Rerequest” in original claim 4 has been changed to --request-- and withdrawal of the objection to claim 4 is respectfully requested.

The phrase “or the like” has been deleted from claim 4 and withdrawal of the Section 112, second paragraph, rejection of this claim is respectfully requested.

Minor amendments of a formal nature have been made to claims 1, 3 and 7. These amendments were not necessitated by the rejections in the office action, nor do they relate to patentability.

Claims 1-3 and 5-10 were rejected under 35 U.S.C. Section 103(a) as allegedly being “obvious” over Kuroda *et al.* (U.S. Patent No. 5,732,161) in view of Lu *et al.* (U.S. Patent No. 6,473,815). For the reasons set forth below, Applicants traverse this rejection.

Kuroda *et al.* discloses an image synthesizing apparatus that synthesizes images based on data from a reading unit that reads an image of an original and on data from an external apparatus. As acknowledged in the office action, this document contains no disclosure whatsoever of a memory overflow condition or of the operations of a controller based on this condition as variously specified in independent claims 1, 5 and 7.

Lu *et al.* relates to queue sharing methods and apparatus and does not remedy the deficiencies of Kuroda *et al.* With respect to claim 1, Lu *et al.*, like Kuroda *et al.*, does not disclose, among other things, disconnecting the communication apparatus from a communication path to a transmission side when a overflow condition of a memory is reached and then automatically calling the transmission side when the memory recovers from the overflow condition. In contrast, Lu *et al.* describes a sharing apparatus that, in certain circumstances, permits overflow data from one queue to be placed in another,

different queue in order to optimize use of the queues. With reference to Figure 3 of Lu, there is no disclosure or suggestion of disconnecting from a "transmission side" that provides the packets received from the links 208, 210, 212 and 214 and then subsequently calling this transmission side. Instead, Lu *et al.* proposes to try to redirect incoming data from one class queue to another if the one class queue is full. Lu *et al.* expressly contemplates that this operation may result in data being dropped or deleted if it cannot be redirected to another queue. See, e.g., col. 1, lines 49-51. This is very different than the operation of the control means of claim 1. Thus, even assuming Lu *et al.* were forcibly combined with Kuroda *et al.*, the subject matter of claim 1 would not result.

With respect to claim 5, neither Kuroda *et al.* nor Lu *et al.* discloses or suggests, among other things, a control means for controlling so that, when the memory means reaches an overflow condition during data reception, the data reception is interrupted and the data stored in the memory means is erased in cases where the data stored in the memory means is not printed on a recording sheet, and when data reception is restarted, received data is stored in the memory means, and the stored data in the memory means is read out to print on a recording sheet by the printing means. In particular, as noted above, Lu *et al.* is concerned with the possibility redirecting incoming data from a full queue to a non-full queue. There is no disclosure or even remote suggestion in Lu *et al.* of, for example, erasing data in a memory means if that data is not printed on a recording sheet. Indeed, Lu *et al.* does not deal with printing on a recording sheet and could not possibly provide any teaching or suggestion with regard to erasing data in a memory if the data is not printed. Kuroda *et al.* discloses a printer unit 2 (see Figure 1), but, as noted above, contains no disclosure whatsoever relating to a memory overflow condition, much less to erasing data in a memory if the data is not printed when such a memory overflow condition is reached. For at least these reasons, the proposed combination of Kuroda *et al.* and Lu *et al.* would not have resulted in the subject matter of claim 5.

With respect to claim 7, neither Kuroda *et al.* nor Lu *et al.* discloses or suggests, among other things, a control means for controlling so that, when a memory means reaches a memory overflow condition during data reception, the data reception is interrupted and a data portion printed on a recording sheet by a printing means among

data stored in the memory means by the data reception is stored, and when data reception is restarted, the data stored in the memory means by the data reception is compared with data already stored in the memory means, and data except for the data portion already printed on the recording sheet is printed on a recording sheet by the printing means. As discussed in connection with claim 5, Lu *et al.* does not deal with printing on a recording sheet and could not possibly provide any teaching or suggestion with regard to, for example, storing a data portion printed on a recording sheet when the memory means reaches an overflow condition. Similarly, Kuroda *et al.* does not contemplate a memory overflow condition, much less what should happen when such a condition is reached. For at least these reasons, the proposed combination of Kuroda *et al.* and Lu *et al.* would not have resulted in the subject matter of claim 7.

Claims 2 and 3 depend from claim 1; claims 6, 8 and 9 depend from claim 5; and claim 10 depends from claim 7. These claims are believed to be allowable because of their dependencies and because of the additional patentable features contained therein.

Claim 4 was rejected under 35 U.S.C. Section 103(a) as allegedly being "obvious" over the proposed Kuroda *et al.*-Lu *et al.* combination, in further view of Wing (U.S. Patent No. 6,650,440). Wing is cited for its alleged disclosure of repeatedly recalling a transmission side when a communication path is busy. Although this feature is not readily apparent from Figures 3 and 4 of Wing which are referenced in the office action, Wing in any event does not remedy the deficiencies of the proposed Kuroda *et al.*-Lu *et al.* combination with respect to claim 1, from which claim 4 depends. As such, the proposed three-way combination would not have rendered the subject matter of claim 4 obvious.

New claims 11-29 have been added. The subject matter of these new claims is fully supported by the original disclosure and no new matter is added.

Claims 11-13 depend from claims 1, 5 and 7 respectively and are believed to be allowable at least by virtue of this dependency.

Independent claim 14 recites that when the controller detects a memory overflow condition during the retrieving of the data, the connection to the server is broken such that the data is retained by the server and, when the controller detects that the memory

overflow condition is resolved, the controller automatically attempts to re-connect to the server and, if a connection is made, retrieves the data. The applied documents do not disclose or suggest such a controller and thus claim 14 is believed to patentably distinguish over these documents. Claims 15-22 depend from claim 14 and are believed to be allowable because of this dependency and because of the additional patentable features contained therein.

Claim 23 recites that when a memory overflow condition is detected during the retrieving of data, the connection is broken such that the data is retained by the server and, when the controller detects that the memory overflow condition is resolved, the controller automatically attempts to re-connect to the server and, if a connection is made, retrieves the data and controls the printer to print only pages not previously printed. The applied documents do not disclose or suggest such a controller and thus claim 23 is believed to patentably distinguish over these documents. Claims 24-29 depend from claim 23 and are believed to be allowable because of this dependency and because of the additional patentable features contained therein.

The pending claims are believed to be allowable and favorable office action is respectfully requested.

Respectfully submitted,
NIXON & VANDERHYTE P.C.

A handwritten signature in cursive script, appearing to read "Michael J. Shea", is written over a horizontal line.

Michael J. Shea
Registration No. 34,725

1100 North Glebe Road, 8th Floor
Arlington, Virginia 22201
Telephone: (703) 816-4000
Facsimile: (703) 816-4100
MJS:mjs